PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 73 LCA 66, Bangalore, dated 17th January 1967.

Ordered that the Essential Commodities (Second Amendment) Ordinance, 1966 (13 of 1966), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 23rd December 1966, be published in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

33 H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., L. D.

THE ESSENTIAL COMMODITIES (SECOND AMENDMENT) ORDINANCE, 1966
No. 13 OF 1966

[Promulgated by the President in the Seventeenth Year of the Republic of India]

An Ordinance further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Essential Commodities (Second Amendment) Ordinance, 1966.

(2) It shall come into force at once.

2. Act 10 of 1955 to be temporarily amended.—During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. Amendment of Section 3.—In Section 3 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely :—

"(4A) Where, for any reason, supplies of any article or thing required for the production or manufacture of an essential commodity are not adequate to meet the full requirements of all the undertakings engaged in the production or manufacture of such commodity and the Central Government is of opinion that with the available supplies of such article or thing all the undertakings engaged in the production or manufacture of such commodity should, as far as practicable, be kept as going concerns for the production or manufacture of such commodity to the fullest extent possible and also for the prevention of unemployment, as far as practicable, amongst persons employed in such undertakings, it may, by order, direct that—

(*a*) no employer shall close his undertaking, whether partially or wholly, except with the previous permission in writing of such officer as may be specified in this behalf in the order ;

(*b*) no employer shall keep his undertaking working for more than such number of days in a week and such number of hours each day, as may be specified in the order.

(4B) Where in pursuance of an order under clause (b) of sub-section (4A) an undertaking is closed, whether partially or wholly for any day or number of days in a week, the employer of the undertaking shall pay for such closure to each of the persons employed in the undertaking or any part thereof which is closed, compensation which shall be equal to fifty per cent of the total of the basic wages and dearness allowance that would have been payable to such person had there been no such closure.

(4C) For removal of doubt, it is hereby declared that different orders may be made under sub-section (4A) in respect of—

(*i*) different classes of undertakings ; or
(*ii*) undertakings in different areas.".

4. Validation of closure of cotton textile mills on certain days.—Notwithstanding anything to the contrary contained in any law for the time being in force, where an employer in respect of an undertaking engaged in the production or manufacture of cotton textiles has closed such undertaking either wholly or partially on any day in a week during the period between the 12th day of December, 1966, and the commencement of this Ordinance, both days inclusive, in pursuance of the decision taken by the Government of India in that behalf and specified by the Textile Commissioner to the Government of India, Bombay, in his circular dated the 3rd December, 1966,—

(*a*) such undertaking shall be deemed to have been closed on each such day in accordance with law ; and

(*b*) the employer shall pay compensation for such closure to the persons employed (including *badli* workmen) in the undertaking at the rate provided for in Section 25C of the Industrial Disputes Act, 1947 (14 of 1947).

5. Continuance of Act 47 of 1964.—The duration of the Essential Commodities (Amendment) Act, 1964, is hereby extended by a period of one year up to and including the 31st day of December, 1967, and accordingly, during the

period of operation of this Ordinance, that Act shall have effect subject to the modification that in Section 1 of that Act, in sub-section (3), for the words, figures and letters "the 31st day of December, 1966", the words, figures and letters "the 31st day of December, 1967" shall be substituted.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.